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SUMMARY RECORD OF THE 317th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Morocco (CRC/C/28/Add.1; HRI/CORE/1/Add.23; CRC/C/Q/MOR.1)

1. At the invitation of the Chairperson, Mr. Benjelloun Touimi, Mr. Hamadi, Mr. Tyane, Mr. Moslih, Mr. Benmakhlouf, Mrs. Benjelloun, Mr. Diniel, Mr. Majdi and Miss Bisbis (Morocco) took places at the Committee table.

2. Mr. BENJELLOUN TOUIMI (Morocco), introducing his country's report, said that the Kingdom of Morocco shared to the full the values and objectives of the Convention on the Rights of the Child and was committed to the pursuit of a policy which would enable every child to enjoy his or her rights and to receive the best possible protection. Accordingly, the Government endeavoured to ensure, in harmony of course with its fundamental social and cultural values, that its domestic law was in conformity with the principles and rules established by the international community in the area of human rights in general and the rights of the child in particular. In that context, the ratification of the Convention had constituted an additional incentive for bringing the national legislation into a closer harmony with its provisions and for promoting policies on behalf of children.

3. In recent years, many of the provisions of Moroccan law in the criminal, civil, social and administrative fields, as well as those relating to personal status, had been amended. Many of those amendments concerned the status of children in general or certain categories of young persons such as young offenders and the disabled. At the same time, an ambitious health programme had been set up with the aim of reducing child mortality in general and mortality of children under five in particular. Those activities had been accompanied by major efforts with regard to health education, water quality and sanitation. Maternal and child health programmes had been in effect in the Kingdom of Morocco since the beginning of the 1970s. Through the efforts of the State and the support of various agencies, basic health care had been made more accessible and health indicators had improved. Much remained to be done, however, and the Government was determined to continue and to strengthen its efforts to mobilize the resources necessary to satisfy the health needs of the population.

4. Improved access to education was one of the Government's prime objectives. Not only did it seek to make basic education generally available, but it was making a special effort to stimulate the demand for schooling. Particular attention had been paid in the 1988-1992 and 1993-1997 Action Plans to providing schooling for disadvantaged populations or social groups. Measures had also been adopted to overcome the main obstacles to the spread of schooling in the rural areas, including the difficulty of access to primary schools in remote rural locations, a condition that prevailed in many other countries, the low enrolment ratio there, among girls in particular, and the difficulty of securing a commitment by families to school attendance by their children despite their material problems. That difficulty also was common to many countries, especially in Africa.

5. The Ministry of Education had devised a strategy to reverse the trend in rural school attendance and halt the recent decline in numbers of new enrolments. It was aimed at spreading education at the steady pace set by the Action Plans by making educational services more accessible both physically and economically. With regard to physical infrastructure, the programme called for expanding the network of schools to all communities of 300 inhabitants or more and providing them with school canteens and housing for the teachers. The aim was to reduce the long distances that pupils often had to travel and to cut down substantially the number of drop-outs, especially among girls.

6. The economic strategy included subsidies to offset the expenses of schooling to the family, in particular by setting up a scheme for renting school books and supplies or selling them at low cost. It also sought to lessen the impact on family earning power by making the school year more flexible in order to adapt it to local requirements. Lastly, the strategy called for a real partnership between local authorities and initiatives and the Government. Local communities were being asked to contribute to the efforts of the Ministry of Education by contributing to information campaigns, facilitating the acquisition of land on which to build schools and encouraging any action designed to improve the working conditions of students and teachers.

7. Lectures on human rights had been offered for some years to persons attending higher training establishments such as the school for further training of officials of the Ministry of the Interior, the police training school, the Military Academy and the Institute of Judicial Studies. More recently, the Ministry for Human Rights had agreed to cooperate with the Ministry of Education in the teaching of human rights principles in primary and secondary schools and an advisory body consisting of lawyers and teachers had been set up to draft an action plan for introducing education on human rights into the Moroccan educational system. Advice had been requested from the Centre for Human Rights and a mission was currently visiting Rabat to take part in formulating a project.

8. In conclusion, he emphasized that, despite its limited resources, the Government had made tremendous efforts to improve the lives of children and to secure real advances in all fields relating to childhood. Much remained to be done, but the country was determined to spare no effort to overcome the many obstacles which still lay in the way of the full enjoyment by all Moroccan children of all the rights to which they were entitled.

9. Mrs. SARDENBERG said that Morocco was to be congratulated on its initial report, particularly its compliance with the guidelines, and on the comprehensive written replies to the list of issues. On reading the report, however, she had found some disparity between the various chapters, some of which were very dense and informative, while others were more sketchy. The general impression none the less was of a country that was trying hard to modernize and to live up to its commitments in the international area, while at the same time recognizing that much remained to be done. The dialogue with the Committee would concentrate on those areas in which improvements were needed, on how the Committee could help in that connection and on the way in which international cooperation could act as a catalyst.

10. As far as general measures of implementation were concerned, she noted that it would appear from the core document that publication of the Convention in the Official Gazette was necessary for it to be implemented. She asked whether the text of the Convention had been so published and if not, why. She also asked how the different sectors of the Government concerned with the rights of children were coordinated and how decisions were taken. She noted that while there was a Ministry for Human Rights, the focal point for action appeared to be the Ministry of Employment and Social Affairs. At the same time, there would seem to be some monitoring mechanism. She would like to know how all those different bodies were related and what the mandate of the human rights advisory council was. She asked whether there was an effective relationship at the moment between the Government and NGOs and what the position was with regard to public opinion. Was it generally thought that swift progress had been made in promoting the rights of the child or was it felt that more effort was needed and that civil society should be more closely involved?

11. Mr. HAMMARBERG said that, although the report had been drafted in accordance with the guidelines and the written replies to the list of issues were clear and concise and full of facts, the legal status of the Convention was still not quite clear. There were two ways in which the Convention could be reflected in national legislation: it could itself become a part of that legislation or new laws could be enacted in order to reflect its standards. The trend in Morocco seemed to be that the Convention was regarded as part of domestic law, but he would like that point to be clarified.

12. The structural mechanisms whereby the rights enshrined in the Convention were made effective were also important. It was essential, to that end, that there should be effective coordination between the ministries concerned. One helpful approach was to appoint an inter-ministerial committee having high status within the Government. There should also be a constructive dialogue between the Government authorities concerned and civil society in the shape of NGOs. He would like to know whether any mechanism to that effect had been set up in Morocco. A third approach was to appoint an independent body or person to monitor the situation. The idea seemed to be spreading throughout the world of the need for an independent body to monitor the work of the authorities and report on a regular basis, perhaps to parliament. Had Morocco taken any steps in that direction? All three approaches must extend to the regional and local level as well and he would like a description of the system in that regard. Lastly, he asked how the Committee's draft conclusions and recommendations would be presented in Morocco, what forum they would be discussed in and what use would be made of them.

13. He noted that the Moroccan Government had formulated a reservation to article 14 of the Convention and asked whether there was any possibility that it might be withdrawn, in keeping with the spirit of the Vienna Conference.

14. Mrs. KARP congratulated the Government of Morocco on the composition of its delegation, particularly the high-level representation of the Ministry of Justice. It would be valuable to hear from Mr. Moslin how the Convention was working in the courts in day-to-day situations. The establishment of a special Ministry for Human Rights seemed a very positive development, but she would like to know what status it enjoyed in respect of the other ministries

and whether it had powers to formulate and enact policies or only to make recommendations. She also asked whether it had offices in the field or only in the capital city. She understood from the report that the National Congress on the Rights of the Child had been declared a permanent institution. Was it simply an annual occasion for discussion and study or did it have real authority in the field?

17. Regarding cooperation with NGOs and other bodies, she asked to what extent the activities of NGOs or agencies such as UNICEF were taken into consideration in formulating policies and programmes for children. How far did the Government's plans depend on the existence of UNICEF and other projects and what prospect was there of their adoption as Government projects? She asked whether the recommendations of the Moroccan League for the Protection of Children and the National Conference on the Rights of the Child had been fully adopted and, if not, what problems had been encountered. She would also like to know in greater detail how far the rights set out in the Convention had become the more among the people, in school and in the family, and what more was being done to make them aware of those rights.

18. Miss MACAO asked whether any mechanisms existed in Morocco to enable children themselves to participate in implementation of the Convention.

19. Mr. PRADO VALLEJO noted from paragraph 18 of the report that the Government was trying to allocate sufficient resources to meet children's basic needs in health and education "within the limits of available means". However, article 4 of the Convention required States parties to take such measures "to the maximum extent of their available resources" which implied the possibility of a budgetary reallocation. Had any attempt been made to make such a reallocation or was one planned for the future?

20. Article 4 also called on States parties to undertake "all appropriate legislative, administrative and other measures" to implement the rights recognized in the Convention. That meant that all those working with children needed to be aware of the existence of the Convention and of the fact that children had rights of their own. Was the text of the Convention made available to the courts and were any instructions given to judges, police, social workers, teachers and doctors about the rights which belonged specifically to the child, since it was not the case, as some Governments claimed, that the rights of citizens were automatically applicable to children?

21. The CHAIRMAN invited the delegation of Morocco to reply to the questions raised.

22. Mr. BENJELLOUN TOUIMI (Morocco) said that his delegation appreciated the interest shown by the Committee in his country. He was sure the debate would help to improve the implementation of the Convention in Morocco.

23. It was true that, as had been pointed out, there were disparities between the various chapters of the report; that was because it had sometimes been difficult to obtain all the information requested.

22. The Convention had not yet been published simply because there was already a backlog of pending legislation awaiting publication. However, that did not mean that it was not being implemented; other conventions that had not yet been published, particularly relating to the environment, were already in the process of implementation.

23. Mr. BENMAKHLOUF (Morocco) confirmed that publication in the Official Gazette was not a precondition for the implementation of the provisions of conventions which Morocco had signed and ratified. In fact, according to Moroccan case law, any convention to which Morocco was a party, even if not published, was considered to be part of domestic law and would be applied by the courts. He pointed out that, in any event, article 49 of the Convention stated that the Convention's provisions would enter into force automatically on the thirtieth day after the deposit of the instrument of ratification or accession.

24. In reply to the question whether there was coordination between the various Government departments in implementing the provisions of the Convention, he said that the Children's Division of the Ministry of Employment and Social Affairs and the Children's Division of the Ministry of Youth and Sports were working together to protect the rights of children, although in such a way as to avoid duplication of effort. In addition, the establishment of the Ministry for Human Rights in 1992 had meant that the protection of human rights in general, and of the rights of the child in particular, now formed an integral part of Government policy.

25. A number of members of the Committee had asked what role was performed by the Ministry for Human Rights. Its task, or rather its long-term strategy, was to establish a "human rights culture" in the country. In particular, it dealt with complaints from members of the public who believed their rights had been infringed and saw to it that such complaints were investigated.

26. The imbalance that had been noted between the different chapters of the report was due to the imbalance between the different provisions of the Convention: some provisions were very specific and called for detailed replies, backed up by statistics, whereas others were more general and concerned with matters of principle.

27. The work of the Ministry for Human Rights was based on ongoing consultations with non-governmental organizations. Thus, when Morocco's initial report was being prepared, all non-governmental organizations had been asked for their comments, which had been taken into account. The Ministry acted as a de facto coordinator of the various programmes relating to children being carried out by the relevant divisions of other ministries. Its task was to ensure that those ministries made sufficient provision in their budgets for those programmes to be put into effect. Any problems that arose could, as a last resort, be resolved at a Council of Ministers, presided over by the Head of State.

28. Mrs. BENJELLOUN (Morocco), replying to the question raised by Miss Mason, said that, since its establishment, the Ministry for Human Rights had done its utmost to ensure the participation of children in its work. Recently, an "International Children's Day" had been held on radio and television, in which

children had had the opportunity to put questions directly to the Minister for Human Rights and the representative of UNICEF. The twenty-fifth of May had been declared the National Day of the Child and, on that day, the Moroccan League for the Protection of Children had held an open day on which children had been encouraged to ask questions about their rights. The Ministry was cooperating with UNICEF in a programme for disseminating information about the Convention, which would include visits to schools to tell children about their rights. It also had a programme designed to convey information about human rights, particularly the rights of women and children, to the peoples of the Maghreb.

29. Mr. MOSLIH (Morocco) said that children's rights had been protected in Morocco well before the adoption of the Convention in 1989. Morocco had been an Islamic country for the past 1,400 years and, during that time, a wide range of children's rights had been recognized and protected under the Koran, Shariya law and various subsequent writings on those and other texts. He himself was engaged in preparing a detailed review of the various texts covering the rights of the child under Moroccan law, which would be made available to the Committee in due course.

30. In reply to Ms. Sardenberg, who had asked whether the fact that the Convention had not been published in the Official Gazette or in the press affected its application in the country, he said that the Moroccan Supreme Court, whose decisions were binding on all courts, had already ruled in a number of cases of contradiction between an international convention and a national text that the international convention should prevail. There was thus no doubt that the Convention was being applied in Morocco. However, a considerable body of legislation dealing with matters relevant to the rights of the child, either taken over from the period of the French Protectorate or adopted following independence in 1955, had already existed in Morocco before the adoption of the Convention. A compilation of these texts, set out in chronological order, had been prepared in collaboration with the Moroccan Society for the Support of UNICEF and published in French and Arabic. Copies were available to the Committee. The texts in question were at present in course of adaptation to bring them into line with international conventions.

31. In response to Mr. Hammarberg's question on article 14 of the Convention, he said that the Moroccan Constitution stipulated that the religion of the State was Islam, but guaranteed freedom of religion to all citizens without reserve. Both Christians and Jews were free to practise their religion in their own places of worship throughout the country and did in fact do so. A study reviewing existing Moroccan legislation in the context of each article of the Convention had recently been published with the assistance of the Moroccan League for the Protection of the Child and was available to the Committee in French and Arabic.

32. In reply to Ms. Karp's question, he said that the Convention was applied in conjunction with national legislation. In any case of child abuse brought to the notice of the authorities, the public prosecutor's office would unhesitatingly institute proceedings against the person or persons responsible, even the parents of the child concerned. However, the public prosecutor's office could intervene only where such notice had been provided.

33. To reply to a question from Mr. Kolosov, he said that existing laws were amended or expanded from time to time. In September 1993, changes had been made to the legislation concerning the civil status of children. In addition, a bill which was in preparation and was expected to be adopted shortly would authorize the placement of delinquent children in care institutions and provide for the creation of such institutions.

34. The training of juvenile court judges had been introduced 15 years previously; courses on the rights of the child and the rehabilitation of delinquents were given at the Institute of Judicial Studies. Increasing numbers of judges were taking an interest in dealing with children's cases, which had been considered of little interest in the past. However, until the care institutions provided for in forthcoming legislation had been put in place, judges would not be able to provide adequately for the rehabilitation of delinquent children.

35. Mr. HAMADI (Morocco), replying to Mrs. Karp, said that the Moroccan League for the Protection of the Child applied its recommendations throughout Morocco, in particular at the local level and with special attention to rural areas. The League had a central office in Rabat and some 20 regional offices. Each region had a regional president and a committee working with the local health and administrative authorities. The League's activities included running child care centres, taking care of abandoned children, providing child health-care clinics with 24 hour access, involvement in sport, recreation and holiday homes, combating illiteracy in rural areas and promoting the concept of a well and a school for every village. The League was a non-governmental agency financed by the Ministry of Health.

36. Mr. DINIEL (Morocco) said that the role of the National Congress on the Rights of the Child was to monitor the implementation of the Convention. It operated in a flexible manner as a standing body and brought together all parties in Morocco, with an interest in children's rights, such as the relevant Government departments, non-governmental organizations, civil associations and international organizations. UNICEF was considered the lead international organization since it had assisted in the establishment of the Congress and had been represented at its first two conferences. The Congress operated through the medium of a number of commissions dealing with various matters covered by the Convention; one such commission dealt with legislative matters and the remainder were concerned with various aspects of work in the field. The commissions worked throughout the year, but did not have a permanent staff, as officials, experts and consultants were seconded to them. After studies and evaluations had been made and a consensus reached at the highest level of the Congress, members of the Government were alerted to any need for specific action. Activities were also undertaken in cooperation with non-governmental organizations. The Congress also undertook some activities itself, such as conducting surveys of children's needs or reviewing legislation. The Congress was neither a purely Government body nor a social organization, but something between the two. Much work was currently under way to set up mechanisms for monitoring matters relating to the rights of the child and providing information on the subject through the media and the schools, and more specifically through the publication of a Journal of the

Child. In its short existence, the Congress had succeeded in bringing issues related to the rights of the child to the attention of the highest Government officials.

37. The CHAIRPERSON said that Morocco was to be commended on the efforts it was making to review and compare legislation. That was a continuing process, since attention had to be given to ensuring not only that national legislation was in conformity with the Convention, but also that national instruments continued to be adapted to take account of the situations faced by children both at present and in the future.

38. Mrs. KARP said it was always interesting to learn that much of the culture, religious practices and traditions of a country were already in line with the principles of the Convention. However, she wondered whether any inquiry was being made into acceptance - in particular in religious practice - of the new principles embodied in the Convention, namely, that the child was not only to be protected, but to be accepted as a human being with its own rights. For example, the right of participation or the right for a child's opinion to be taken into consideration were sometimes difficult for traditional views to tolerate.

39. Was the National Congress on the Rights of the Child a statutory body or was it attached to a Government department? Did it have its own budget? What was the relationship between the Congress and the Ministry for Human Rights? Did that Ministry have a special department dealing with children's rights? If not, was establishment of such a department under consideration?

40. Mr. SANDBERG said it was a general rule that countries already had legislation for the protection of the child in place before adoption of the Convention. What was new was the agreement of Governments throughout the world that children should be treated according to certain universal standards. There had also been recognition that countries could learn much from each other's experiences. The reason for many of the Committee's questions was to help in that process of learning how to improve the actual situation of children. The problem was perhaps that detailed discussions of principle and legislative reform solved few of the real-life problems faced by children. That explained the Committee's desire to identify as many of those problems as possible, learn how they were influenced by traditional attitudes and find out what the opportunities were for change in such attitudes, given the existence of the Convention, in order to enhance the status of children.

41. Since he understood from Mr. Moalin that freedom to practise religion existed in Morocco and was protected by law, he asked what Morocco found so objectionable in article 14 that, unlike the other Islamic countries in the same region, it felt it necessary to formulate a reservation on the issue.

42. He asked for further clarification on the point raised by Mr. Kolosov about budget trends and asked whether there were any governmental mechanisms for ensuring discussion of the effect of proposed national budgets on children. Some countries had begun to provide such information as an appendix to the national budget. Furthermore, was there any system of independent monitoring to determine measures that might encourage further discussion of children's issues?

43. Each country should have a clear idea of how it intended to change public attitudes in favour of the rights of the children. He suggested that high priority should be given to training so that children would be taught to respect the spirit of the Convention. Another approach to reinforcing positive attitudes would be for persons in highly visible and influential positions to take strong public positions on issues such as school attendance by girls and domestic violence.

44. Mr. KOLOSOV said that the promulgation of the Convention was a prerequisite for its implementation and application in daily life. There was no obligation for any person, whether natural or legal, to apply the provisions of an international instrument if that instrument had not been promulgated and published. He therefore concluded that the Convention on the Rights of the Child could not be applied in Morocco before the process of publication had been completed.

45. The Moroccan delegation had stated that most of the provisions of the Convention had been reflected in existing national legislation or in amendments and new legislation. The Convention was, however, a holistic instrument to be implemented in its entirety.

46. He asked whether judges at all levels were in possession of the text of the Convention, with instructions and recommendations on how it should be applied. He would also like to know whether police officers and medical doctors were aware of the rights of children.

47. The wording of Morocco's reservation to article 14 was not as simplistic as it might seem. There was nothing in the Moroccan Constitution that guaranteed freedom to choose one's religion and it could be deduced from the reservation to article 14 that persons were free to worship Islam and that the legislation supported only Islam. Since other religions existed in Morocco, he was therefore concerned about the protection of the rights of persons of different religious persuasions. The Committee looked forward to the revision of the Government's attitude towards article 14 and the withdrawal of its reservation.

48. Mrs. SARDENBERG appealed to the Government of Morocco to deal with the crucial issue of the promulgation of the Convention. Failure to do so would send the wrong signals to the international community and give rise to doubts about the Government's commitment. Official endorsement of the Convention would pave the way for its full implementation.

49. With regard to coordination, she was interested in the approach taken by the Ministry for Human Rights as a body which identified issues to be dealt with by sectoral departments.

50. She asked about the role of Parliament and whether members of the House of Representatives made proposals relating to the implementation of the Convention. Such action would play a catalytic role in influencing basic attitudes towards the rights of children.

51. Mrs. KARP said that freedom of religion included freedom to choose and change one's religion. No interpretation of such freedoms could restrict it

to the possibility of holding one specific religion. The reservation to article 14 indicated that the Government of Morocco did not have an answer to the question of the extent of a child's freedom in determining his religion. The existence of the reservation cast doubts on the enjoyment of freedom of religion in Morocco. She therefore urged the Government to reconsider the reservation.

52. She asked whether there were mechanisms to monitor or involve local authorities in the National Plan of Action and in the Government's policy on issues relating to children.

53. The CHAIRPERSON stressed the importance of the dissemination of the Convention. She wondered whether the perceived lack of balance in the report could be attributed to an inappropriate system of data collection and, in that regard, she asked how the Government planned to establish permanent machinery to improve data collection.

54. Referring to the reservation to article 14, she reminded the Moroccan delegation that the Convention was intended to apply to all children living within the territory of a Member State. The Committee needed further information on how the Government planned to ensure that the Convention applied to foreign children living in Morocco.

55. Mr. BENJELLOUN TOUIMI (Morocco) said that Morocco attached great importance to the status of children and that his delegation welcomed the Committee's recommendations and thought-provoking questions.

56. The regrettable delay in the publication of the Convention had been caused by technical problems. Every effort would be made to remedy that situation.

57. Turning to the reservation to article 14, he said that Moroccan laws were based on religious law. He therefore did not believe that the Government would change its laws, as they were appropriate to the specific situation in his country. Each of the country's religious groups was guided by its own laws. No one was forced to become Muslim. There was, however, no possibility that a person born a Muslim might change his religion because such an act would be contrary to the principles of basic Muslim law. A proposal that that law should be changed would be totally unacceptable to Moroccan society.

58. He thanked the Committee for drawing attention to the issue of inadequate data collection systems in Morocco and assured it that his Government would make every effort to solve that problem. It was thanks to the Committee's consideration of its reports that countries such as his own could learn to identity priorities in order to make progress and contribute to the development of international legislation.

59. The CHAIRPERSON said that the Committee looked forward to the publication of the Convention in Morocco's Official Gazette.

60. With regard to Morocco's reservation to article 14, she pointed out that it was within the Committee's mandate to explain the interpretation of that article as it applied to all countries. It was not up to individual countries

to interpret the Convention as they saw fit. States were allowed to formulate reservations, provided that such reservations did not conflict with the Convention's aims and objectives. She suggested that the discussion of the reservation should continue when the Committee considered issues relating to the civil rights of children, including the right to freedom of expression. Flexibility was certainly one of the keys to understanding and the Committee might find that the problem lay with the wording of the reservation.

61. Miss MASON said that she would like to know which legislation was applied in dealing with non-Muslims who did not obey Moroccan law.

62. Mr. BENJELLOUN TOUIMI (Morocco) said the Code on Personal Status applied to matters of family law, personal status and inheritance. In other areas, Moroccan law applied to all Moroccans and, for certain activities, to all residents.

The meeting rose at 1 p.m.